



PATENT
00961-P0146D SPM/HML

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant | Nicholas V. Perricone |
| Application No. 10/768,359 | Filing Date: January 30, 2004 |
| Title of Application: | Treatment of Acne Using Alkonolamine Compositions |
| Confirmation No. 6387 | Art Unit: 1614 |
| Examiner | Vickie Kim |

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

***Terminal Disclaimer To
Obviate A Double Patenting Rejection (37 CFR 1.321(b))***

Dear Sir:

The undersigned, Stephen P. McNamara, declares that:

1. I am the attorney of record in the subject patent application.
2. Applicant, Nicholas V. Perricone, who resides at N.V. Perricone, M.D., Limited; 639 Research Parkway; Meriden, 06450. Nicholas V. Perricone is the owner of 100% of the rights, title and interest in and to Patent Application Serial No. 10/768,359 filed January 30, 2004 for "Treatment of Acne Using Alkonolamine Compositions" and, to the best knowledge and belief of the undersigned, is believed to be the owner of record of U.S. Patent 6,319,942 issued November 20, 2001 for "Topical Scar Treatments Using Alkanolamines."
3. Applicant hereby disclaims the terminal part of the term of any patent granted on Application Serial No. 10/768,359 which would extend beyond the expiration date of the full statutory term of U.S. Patent 6,319,942 issued November 20, 2001.
4. Applicant hereby agrees that any patent granted on Application Serial No. 10/768,359 shall be enforceable only for and during such period that the legal title to Patent 6,319,942 shall be the same as the legal title to all patents issuing on said Application Serial No. 10/768,359, this Agreement to run with any patent granted on said Ap-

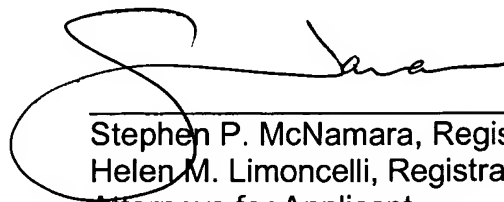
plication Serial No. 10/768,359 and to be binding upon Applicant, his heirs, successors, and assigns.

5. Applicant does not disclaim any terminal part of any patent granted on said Application Serial No. 10/768,359 prior to the expiration date of the full statutory term of U.S. Patent 6,319,942 in the event that U.S. Patent 6,319,942 either expires for failure to pay a maintenance fee, or is held unenforceable, or is found invalid, or is statutorily disclaimed in whole or hereafter terminally disclaimed under 37 CFR § 321(a), or has all claims cancelled by a re-examination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

6. Enclosed is credit card payment form PTO-2038 in the sum of \$65.00. If there is any fee deficiency, please charge Account No. 19-4516.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



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